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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 New Parent World, LLC, d/b/a My Baby
Experts,

No. CV-23-8089-PCT-DGC

10 Plaintiff,

ORDER

11 v.

12 True To Life Productions, Inc., et al.,

13 Defendants.

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15 The Court held a discovery conference call with the parties on April 3, 2024. The
16 Court required the parties to create a discovery matrix setting forth each discovery
17 request in dispute and the parties' positions on the request. Doc. 35. The parties have
18 filed the matrix (Doc. 43) and the Court has reviewed it carefully. The Court enters the
19 following orders on the disputed discovery requests.

20 **Interrogatory No. 3:** "With regard to your responses to Interrogatory No. 1 and
21 Interrogatory No. 2, identify each price Defendants' Works or related Derivative Work
22 was or is expected to be licensed, sold, or otherwise exploited." Doc. 43-1 at 2. This
23 question seeks a price or expected price for each work and derivative work. Defendant
24 initially provided an inadequate response that included only the price for a DVD, but later
25 provided a more detailed explanation of the subscription pricing they use and how they
26 calculate royalties from their platforms for Plaintiff's works. *Id.* at 30-34. The
27 interrogatory focuses on Defendants' works. Within 20 days of this order, Defendants
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1 shall provide the same information, under oath, for Defendants' works and derivative
2 works across all platforms Defendants operated.

3 Plaintiff notes that Defendants have admitted some content appeared on a platform
4 due to a coding error, and asks the Court "to compel Defendants to produce detailed logs,
5 metadata, and other relevant technical documentation." *Id.* at 6-7. This request goes well
6 beyond the scope of Interrogatory No. 3 and should be addressed through other
7 discovery, if relevant and proportional.

8 **Interrogatory No. 4:** "Identify all relevant dates related to the creation of the
9 Defendants' Works and related Derivative Works." *Id.* at 7. In response, Defendants
10 provided substantial information, sometimes as approximations, concerning when each
11 product was conceived and when video files, fact sheets, discussions sheets, spiritual
12 application sheets, and worksheets were created and edited, and when the creation
13 process was completed and the product was first published. *Id.* at 7-22.

14 Plaintiff complains that Defendants have not identified when specific employees
15 created products, when narrower components of Defendants' products were created, dates
16 of principal photography, dates of script approval, and other information. *Id.* at 8-9. But
17 Plaintiff's interrogatory did not ask for this information – it sought only "relevant dates"
18 related to the creation of works. *Id.* at 7. An interrogatory "answer need only respond to
19 the question asked and not to a different question that might have been asked." S.
20 Gensler, Federal Rules of Civil Procedure, Rules and Commentary, Rule 33 at 1116
21 (2024). Defendants made a good faith effort to answer the question asked. The Court
22 will not require more. Plaintiff can seek more information through other discovery, if
23 relevant and proportional.

24 **Interrogatory No. 5:** "Identify each and every person who contributed in any
25 way to the conception, development, or creation of Defendants' Works and related
26 Derivative Works." Doc. 43-1 at 22-23. In response, Defendants identified 17
27 individuals, describing each person's role in Defendants' business and creative process.
28 *Id.* at 22-30.

1 Plaintiff complains, with few specifics, that the answer includes inconsistent
2 information. Citing information shared during the parties' settlement talks that occurred
3 after the discovery conference, Plaintiff also argues that a woman identified as the creator
4 of fact sheets may not have been the only creator. *Id.* at 23. With no additional
5 information, Plaintiff accuses Defendants of excluding relevant individuals and failing to
6 meet "the requirements of comprehensive discovery." *Id.* at 24. But the interrogatory
7 requested only the identity of persons involved in the creation of Defendants' works and
8 derivative works, and Defendants have made a good faith effort to respond (and have
9 indicated they will supplement on one point). The Court will not require more.

10 **Interrogatory No. 11:** "Identify all amounts, by quarter, received by Defendants
11 related to Defendants' use, sale, licensing, or other exploitation of Plaintiff's Works." *Id.*
12 at 30. In response, Defendants provided detailed explanations of their subscription-based
13 revenue stream and how portions of that stream are attributed to particular products, and
14 have provided calculations for Plaintiff's products. *Id.* at 30-34. Plaintiff complains that
15 Defendants' have not disclosed information for the BrightParents platform (which
16 Defendants say failed shortly after launch), TruetolifeProductions.com (which
17 Defendants say is used only for DVD sales), and Reviewonline.org, and financial
18 information on such sales. If Defendants have not already stated under oath that
19 BrightParents failed without generating revenue, that Truetolife sells only DVDs, and
20 why Reviewonline.org generates no revenue relevant to this case, they shall do so within
21 20 days of this order. If they are unable to make such statements under oath, they shall
22 produce financial information for these platforms within 20 days.

23 **Interrogatory No. 15:** "Identify the Source and amounts earned, by quarter, for
24 all video content on the Bright Course Website during the term of the License
25 Agreement." *Id.* at 35. Plaintiff complains that Defendants have disclosed revenue for
26 Plaintiff's works and Defendants' works, but not for other content providers. *Id.* at 35-
27 36. Defendants assert that they have produced "all royalty reports for other third-party
28 providers . . . (HH 003436-003846)." *Id.* Because Plaintiff's license agreement royalties

1 were tied to 25% of all digital subscriptions, the Court concludes that evidence of all
2 revenues is relevant. Defendants shall, within 20 days of this order, provide Plaintiff
3 with a sworn interrogatory answer setting forth the sources and amounts earned, by
4 quarter, for all video content on the Bright Course Website during the term of the License
5 Agreement.

6 **Interrogatory No. 16:** “Identify the Views and amounts paid, by quarter, to each
7 Content Creator for the video content on the Bright Course Website during the term of
8 the License Agreement.” *Id.* at 41. Defendants object that content unrelated to Plaintiff’s
9 Works is not relevant, but the Court does not agree given the nature of Plaintiff’s
10 Licensing Agreement. If Defendants have stated in sworn interrogatory answers that they
11 do not pay themselves a royalty, but instead receive all revenue after royalties are paid to
12 others, they do not need to disclose theoretical royalties paid to themselves. Defendants
13 are required, however, to disclose amounts paid, by quarter, to other content creators.
14 Defendants express concern about the sensitivity of this information, but a Protective
15 Order is in place. *See* Doc. 21. Defendants shall disclose this information within 20 days
16 of this order.

17 **RFP No. 3:** The parties largely devote their space in the matrix columns to
18 complaining about the other side’s behavior in discovery. This is not helpful. The Court
19 cannot tell from the parties’ submissions what responsive documents are available and
20 have not been produced, if any. Within 20 days of this order, Defendants shall provide
21 Plaintiff with a written explanation of the information contained in documents
22 HH003827-003846, as well as the information called for under Interrogatory No. 3
23 above.

24 **RFP No. 6:** The parties disagree on whether Defendants have produced all
25 responsive documents. If Defendants have not already done so, they shall state in a
26 discovery response to Plaintiff, under oath, that they have produced “all documents and
27 communications concerning creation of the accused works,” as they state in the matrix.
28 Doc. 43-1 at 49. If they provide this sworn response, no further production will be

1 required. If they cannot make this statement under oath, they shall produce all omitted
2 documents called for in this request within 20 days of this order.

3 **RFP No. 9:** The parties disagree on whether Defendants have produced all
4 responsive documents. If Defendants have not already done so, they shall state in a
5 discovery response to Plaintiff, under oath, that they have produced “all documents and
6 communications concerning when Defendants commenced creation of the accused
7 works,” as they state in the matrix. *Id.* at 51. If they provide this sworn response, no
8 further production will be required. If they cannot make this statement under oath, they
9 shall produce all omitted documents called for in this request within 20 days of this order.

10 **RFP No. 13:** The parties disagree on whether Defendants have produced all
11 responsive documents. If Defendants have not already done so, they shall state in a
12 discovery response to Plaintiff, under oath, that they have produced “documents showing
13 the total revenue generated by the platform,” as they state in the matrix. *Id.* at 54. If they
14 cannot make this statement under oath, they shall produce all omitted documents called
15 for in this request within 20 days of this order. They shall also produce documents
16 showing revenue for other platforms mentioned in the matrix discussion of this RFP
17 within 20 days of this order.

18 **RFP No. 14:** The parties disagree on whether Defendants have produced all
19 responsive documents. If Defendants have not already done so, they shall state in a
20 discovery response to Plaintiff, under oath, that they have produced “documents
21 identifying all online distribution channels on which Plaintiff’s content was made
22 available,” as they state in the matrix. *Id.* at 56. If they provide this sworn response, no
23 further production will be required other than the BrightParents documents mentioned in
24 their response. *Id.* at 57. If they cannot make this statement under oath, they shall
25 produce all omitted documents called for in this request within 20 days of this order.

26 **RFP No. 17:** The parties disagree on whether Defendants have produced all
27 responsive documents. If Defendants have not already done so, they shall state in a
28 discovery response to Plaintiff, under oath, that there is “no combined Breast Pumps &

1 Briefcases course.” *Id.* at 60. If they provide this sworn response, no further production
2 will be required. If they cannot make this statement under oath, they shall produce all
3 omitted documents called for in this request within 20 days of this order.

4 **RFP No. 19:** The parties disagree on whether Defendants have produced all
5 responsive documents. If Defendants have not already done so, they shall state in a
6 discovery response to Plaintiff, under oath, that they have produced all documents and
7 communications related to collaboration on recaps, fact sheets, discussion sheets, and
8 spiritual application sheets, and that “[t]here are no further documents to produce,” as
9 they state in the matrix. *Id.* at 60-61. If they provide this sworn response, no further
10 production will be required. If they cannot make this statement under oath, they shall
11 produce all omitted documents called for in this request within 20 days of this order.

12 **RFP Nos. 22 and 23:** Defendants object to these requests on relevancy grounds,
13 and also because they seek confidential customer information. In the matrix, Plaintiff
14 does not explain why the identities of pregnancy-center customers (the only class of
15 customer information Plaintiff says it is seeking) is relevant. Plaintiff asserts that it needs
16 the information to find witnesses who can testify about the videos and written materials
17 provided to them by Defendants (*id.* at 64), but does not explain the relevancy of such
18 testimony in light of the fact that Defendants admit Plaintiff’s content and the accused
19 content were distributed to a wide audience (*id.* at 63). Plaintiff also states that it needs
20 the customer identities to establish infringement and damages (*id.* at 64), but does not
21 explain how customer evidence will establish infringement (which presumably will be
22 shown by comparing Plaintiff’s works to the accused works) or damages (which
23 presumably will be shown by evidence of revenues earned by Defendants from the
24 allegedly infringing works). Because Plaintiff has not shown the relevancy of the
25 requested information, Defendants’ objection is sustained.

26 **Interrogatory No. 22:** “Identify the total number of video Views related to each
27 of Plaintiff’s Works and any related Derivative Works on Any Website during or after the
28 term of the License Agreement.” *Id.* at 68. Defendants have not answered this

1 interrogatory; they have only produced documents related to views on the BrightCourse
2 website. Within 20 days of this order, Defendants shall provide a written interrogatory
3 response, under oath, that provides the requested information for websites other than
4 BrightCourse and for Plaintiff's Derivative Works.

5 **RFP No. 24:** Defendants state in the matrix that they have no information
6 responsive to this request, and yet they have never said that in an interrogatory response –
7 they have only stated objections. Defendants shall, within 20 days, provide a sworn
8 interrogatory answer that contains the information set forth in Defendants' column on
9 Doc. 43-1 at 71. If Defendants are unable to make this statement under oath, they shall
10 provide an answer that sets forth the information in their possession, custody, or control
11 responsive to this question.

12 Dated this 2nd day of May, 2024.

David G. Campbell

David G. Campbell
Senior United States District Judge